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ABSTRACT

The Study Commission has formulated five propositions. One: The function of education is first to bring the child to adult competency in the neighborhood or culture of his birth or present household and second to provide him with critical perspectives provided by the procedures for investigating, understanding, or imagining that are currently used in other cultures, but not at the risk of alienating him from his home, neighborhood, culture, or the vocational and festival lives that go with these. Two: The credentialing and licensing of those designated as teachers should be based on demonstrated competency to assist the child in achieving adulthood. Three: The state and its agencies should develop not only client-oriented but fiscally and culturally neutral educational laws and management and funding systems. Four: The credentialing of educational personnel ought to be culturally neutral at the state level. Five: The processes of educational planning and futures planning in general should be reconstructed so as to preserve the traditional principles of representative government and citizen participation. These propositions have led the Study Commission to the investigation and formulation of legal matters relevant to the propositions. (JA)

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Accrediting and Licensing . . .

Directorate Encourages Examination of Legal Barriers To Possible Improvement of Teacher Education Programs

By Lawrence D. Freeman
Associate Director, Study Commission

During the past two years or so, the Study Commission has engaged in a program of action-research and training that has led to the formulation of a series of propositions regarding what might constitute quality education for the children of America's various communities. These propositions, set forth at greater length in the "August Document," are as follows:

1. *The function of education is first to bring the child to adult competency (intellectually, vocationally, and personally) in the neighborhood or culture of his birth or present household;* it is second to provide him with critical perspectives provided by the procedures for investigating, understanding, or imagining currently used in other cultures, but not at the risk of alienating him from his home, neighborhood, or culture, or the vocational and festival lives that go with these.

2. *The credentialling and licensing of those designated as "teachers" should be based on demonstrated competency to assist the child in achieving adulthood*—competency to provide for the intellectual, emotional, and vocational growth of a child in a specific neighborhood or culture.

3. *The state and its agencies should develop not only client-oriented but fiscally and culturally neutral* educational laws and management and funding systems.

4. *The credentialling of educational personnel* ought to be culturally neutral at the state level.

5. *The processes of educational planning and futures planning in general should be reconstructed so as to preserve the traditional principles of representative government and citizen participation;* new mechanisms allowing citizen control, monitoring, and choice among projected futures—local, state, and national—need to be developed.

SEE SUMMARIES OF COURT CASES ON PP. 5 and 6.

LEGAL, EDUCATION DEBATE NEEDED

Note to Readers: The editor of this issue is extremely conscious that any discussion of educational legal issues apart from a specific case may be misleading since the state and federal judiciaries have never addressed themselves to a thorough and systematic analysis of the place of education or educational institutions either in the individual states or in the nation as a whole. Decision after decision is replete with general pieties regarding the significance of education; review of case law has convinced us that it is necessary to encourage debate and discussion among the legal and educational professions and the general public; such debate and discussion would hopefully encourage a thorough and systematic judicial analysis.

The formulation of these propositions, discussions centering on them, and the experiences of those attempting to act on them have led the Study Commission to direct those responsible for the conduct of the Commission's activities to develop legal materials and strategies relevant to these propositions, particularly those surrounding credentialling and accreditation.

In carrying out this mandate, the directorate of the Commission has attempted to put itself in touch with groups and individuals working on these or related issues. Because the Commission has focussed much of its work on examining the barriers to decent teacher education represented by present licensing systems for educational personnel and by the interrelationship between licensing systems and accreditation systems (No. 2 and No. 4 above), some legal issues of profound significance related to the other propositions have not been examined in depth.

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For instance, the work of the Commission has perhaps slighted the significance of the Supreme Court decision in *Tinker and Tinker v. Des Moines.* Less than adequate attention has been given to the implications of a ruling in favor of the plaintiff in the so-called Peter Doe case in California. A large number of state court decisions finding the financing of education illegal in a number of states will require restructuring of fiscal and budgetary systems in these states. The Commission has not dealt with these in detail, although all will have implications for the pre-service and in-service education of teachers. For instance, the inclusion of rewards in minimum foundation programs for districts to employ persons with postbaccalaureate work, or to encourage present employees to pursue such work, is unsupportable in the face of genuine competency-based assessment programs. Again, no effort has been undertaken to follow up on **Art Thomas'** suggestion that the criminal codes of the various states might be examined for bases of legal strategies seeking to hold various educational officials responsible and accountable to students and communities. (The list of resources elsewhere in this issue will assist persons interested in these various subjects.)

Finally, the Commission has not looked in depth at the legal and quasi-legal restrictions and potentialities for developing specific sorts of programs. **Donald L. Rathbun,** associate director of the American Vocational Association (AVA), has written us as follows:

> The AVA has also been interested in investigating the legal bases and quasi-legal restrictions that preclude the majority of young people from having access to a type of education that is practical and meaningful to them. Were it not for the failure of education to adequately prepare these young men and women, we would not need the costly and duplicated efforts of remediation and manpower training that exist today.

Thus the materials contained in this newsletter, though they represent a beginning, do not exhaust all of the relevant and significant issues currently being discussed or appearing on the horizon.